

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CASE NO: 4:08-CV-134-H3**

Silvia Rubio Gaxiola and all others)
similarly situated,)
)
Plaintiffs)
)
v.)
)
Williams Seafood of Arapahoe, Inc.)
Sherre L. Midyette,)
)
Defendants)
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**ORDER APPROVING CONTENT OF NOTICE TO CLASS AND COLLECTIVE
ACTION MEMBERS AND METHOD OF DISTRIBUTION OF CLASS NOTICE**

This matter is before the Court on the Joint Motion by the named Plaintiff and the Defendants to Approve Notice to Class and Collective Action Members and to Approve Method for Distributing Notice. In support of their Joint Motion, the named Plaintiff and the Defendants have filed a proposed notice and method of distribution. The proposed content and method of distribution for that notice are consistent with that previously approved for use in other similar wage actions before the federal courts of this state. *See Haywood v. Barnes*, 109 F.R.D. 568 (E.D.N.C. 1986). They also appear to be reasonably calculated to provide the best notice practicable under the circumstances of this case.

The proposed Notice to Plaintiff Classes (the "Notice") is both a neutral and comprehensive document that fairly apprises the Plaintiff Class Members of (i) the pendency of the class action, (ii) the substance of the litigation, (iii) the reasons for compromising the claims, (iv) the terms of the proposed settlement, and (v) the

opportunity to withdraw. The Notice also provides the Plaintiff Class Members with an opportunity to obtain any necessary further information, and apprises them of their right to object to the settlement, the objection deadline, and the date of the hearing on this Court's final approval, if any, of the Settlement Agreement.

The Court therefore formally approves the content of the Notice attached to this Order, as well as the method of distribution for the Notice set out in the Joint Motion. The Notice shall be distributed to the members of the class and the collective action as previously certified by this Court within thirty (30) days of the date of this Order.

SO ORDERED.

This the 14th day of JUNE, 2011.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

Malcolm J. Howard
Senior United States District Judge